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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Andean Commission of Jurists, Commission for the Defence of Human Rights in Central America, France-Libertés: Fondation Danielle Mitterrand, International Commission of Jurists, International Federation of Human Rights, International Human Rights Law Group, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lawyers' Committee for Human Rights, Pax Christi, Pax Romana and Service, Peace and Justice in Latin America, non-governmental organizations in consultative status (category II) and Centre Europe-Tiers Monde, International Federation for Christian Action to Abolish Torture, World Organization Against Torture and World Christian Life Community, non-governmental organizations on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 February 1994]

NGOs INVITE THE COMMISSION ON HUMAN RIGHTS TO APPOINT
A SPECIAL RAPPORTEUR FOR COLOMBIA

1. The human rights crisis in Colombia is extremely serious, as has been pointed out year after year by the various thematic rapporteurs, working groups and experts that have submitted reports to the United Nations Commission on Human Rights.

2. This is perhaps the reason for the statement, in the latest report on extrajudicial, summary or arbitrary executions, that "the Special Rapporteur remains concerned: as described above, he continues to receive a large number of allegations concerning violations of the right to life. It is particularly disturbing to note that similar allegations have now come before the Special Rapporteur for many years". For that reason, the Special Rapporteur decided to urge the Government of Colombia "to adopt effective measures to prevent further loss of life, particularly in the context of counter-insurgency activities or 'death squad' operations against those regarded as socially undesirable. The Special Rapporteur also appeals to the authorities to investigate human rights abuses and bring their perpetrators to justice" (E/CN.4/1994/7, para. 238).

3. The Working Group on Enforced or Involuntary Disappearances has also been concerned at this lack of investigation of human rights violations. In its 1994 report it states: "Such impunity seems to be made easier by the following circumstances. Both the previous Constitution and the 1991 Constitution establish a special military jurisdiction for members of the forces of law and order who ... violate the law or the Constitution ... . It was reported that this jurisdiction is in practice ineffectual for two basic reasons: (a) the immediate superior of the person carrying out the order ... is both the judge and the plaintiff; (b) the military courts do not allow relatives to bring criminal indemnification proceedings in the trial ... . State officials ... who have been convicted of human rights violations are not normally dismissed but have been transferred and, in some instances, promoted" (E/CN.4/1994/26, paras. 168 and 169).

4. The United Nations Centre for Human Rights mission to evaluate the advisory services received between 1988 and 1992 by the Government of Colombia stated in its report that "the mission concludes that the Office [of the Presidential Adviser] has done praiseworthy and important work for the promotion of human rights in such areas as advisory services, education, dissemination, training and information regarding cases of serious human rights violations (...). Although case-handling is of special importance as a means of information, activities for the protection of human rights, in the strict sense, were of lesser magnitude" (E/CN.4/1993/61/Add.3, paras. 116 and 118). The mission therefore recommended that priority be given to such protection activities as compliance with the recommendations made to the Government of Colombia by various international human rights bodies, dismissal from the service of officials accused of serious violations of human rights, no restriction of human rights or procedural guarantees during states of emergency, protection for defenders of human rights, ending the practice of having human rights violations dealt with by military courts, democratic strengthening of the administration of justice and compliance with international humanitarian law (ibid., para. 125).

5. The Special Rapporteur on the question of torture also expressed this year his concern at the violation of human rights in Colombia, which he

described as endemic: "The Special Rapporteur looks forward to learning from the Government what measures it proposes to take to bring under control this problem [of torture] which seems to be endemic, especially in zones of [armed] conflict" (E/CN.4/1994/31, para. 188).

6. There are still more than 10 politically-motivated killings in Colombia every day and the figure has stayed at this very high average level since 1988. There is virtually absolute impunity for violations of human rights. The authorities have not implemented the various recommendations made to the Government of Colombia by the agencies and institutions of the international community, calling on the Government to cooperate in resolving this acute and persistent human rights crisis.

7. Accordingly, and having regard to the voluminous and disturbing documentation on this matter, the undersigned non-governmental organizations respectfully request the distinguished members of the United Nations Commission on Human Rights, at its fiftieth session, to pay due attention to the situation in Colombia and to appoint, to this end, a special rapporteur. The Commission will thus be better able to ensure compliance with the international recommendations already made. It will also obtain a more comprehensive picture of state responsibility in this matter and of the magnitude of the obstacle to the observance of human rights which the action of certain violent persons represent. The Commission will also be able more clearly to determine the aspects to be emphasized and the contribution it can make to enable Colombian society to overcome as soon as possible the difficult situation in which it now finds itself.